

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ISHHAR OVERSEAS FZE,

Plaintiff,

-v-

SERVO BUANA RESOURCES,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 10/15/09

No. 09 Civ. 8637 (RJS)  
EX PARTE ORDER FOR PROCESS OF  
MARITIME ATTACHMENT AND  
GARNISHMENT

RICHARD J. SULLIVAN, District Judge:

WHEREAS on October 13, 2009 Plaintiff filed an Verified Amended Complaint herein for damages amounting to \$566,195.82 inclusive of interest, costs, and attorneys' and arbitrators' fees, and praying for the issuance of an *ex parte* order for Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Admiralty Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and

WHEREAS the attorney for Plaintiff has filed a Supporting Affidavit describing the efforts made by and on behalf of the Plaintiff to find and serve the Defendant within the District; and

WHEREAS the Court has reviewed the Amended Verified Complaint and the Affidavit of Thomas H. Belknap, Jr., and the conditions set forth in Supplemental Admiralty Rule B appear to exist; and

WHEREAS the Process of Maritime Attachment and Garnishment would command that the United States Marshal or other designated process server attach any and all of the Defendant's property **held by the Garnishees named in this Order** within the Southern District of New York; IT IS HEREBY

ORDERED that, pursuant to Supplemental Admiralty Rule B, Process of Maritime Attachment and Garnishment shall issue against all tangible or intangible property that may be found in this District in the next thirty (30) days that is belonging to, claimed by, or being held for the Defendant by only the following Garnishees: ABN AMRO Bank N.V.; Bank of America, N.A.; Bank of New York; Citibank N.A.; HSBC Bank USA; JP Morgan Chase Bank, N.A.; Standard Chartered Bank; Wachovia Bank, N.A. — New York; Deutsche Bank; and UBS; and it is further

ORDERED that such Process of Maritime Attachment and Garnishment shall only be valid for the next thirty (30) days; and it is further

ORDERED that any person claiming interest in the property attached or garnished pursuant to said order shall, upon application to the Court, be entitled to an adversary hearing within three court days, subject to this Court's modification; and it is further

ORDERED that following initial service by the United States Marshal or other designated process server upon each Garnishee, that supplemental service of the Process of Maritime Attachment and Garnishment, as well as this Order, may be accomplished by email, facsimile transmission, or other verifiable electronic means, provided that such supplemental service is effected within thirty (30) days of this Order and accords with the Garnishee's written rules or policies regarding service, if any. Such supplemental service shall be deemed to be made within the District if a natural person within the District caused the service to be transmitted to a Garnishee having an office within the District; and it is further

ORDERED that service on any Garnishee named above is deemed effective for the length of time and to the extent that the Garnishee's written rules or policies so provide, but the

period of effectiveness shall not exceed a period of thirty (30) days from the date of this Order; and it is further

ORDERED that a copy of this Order be attached to and served with the Process of Maritime Attachment and Garnishment; and it is further

ORDERED that if any of the Defendant's property is attached, the Plaintiff shall give prompt notice to Defendant of the attachment. Such notice shall be in writing, and may be given outside of the District by telex, telegram, cable, fax, or other verifiable electronic means; and it is further

**ORDERED that the parties in this action shall appear for a conference before the Court on Wednesday, November 17, 2009 at 4:30 p.m. in the United States District Court, Courtroom 21C, 500 Pearl Street, New York, New York.**

Dated: October 15, 2009  
New York, New York



RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE